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Jeyhan Karaoguz

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

TRUONG, THANHNGA B

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,386	Applicant(s) KARAOGUZ ET AL.	
	Examiner Thanhnga B. Truong	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the communication filed on September 18, 2008. Claims 1-31 are pending. At this time, claims 1-31 are rejected.

Response to Arguments

2. Applicant's arguments with respect to claims 1-31 have been considered but they are not persuasive.

Applicant has argued that:

The combination of Haines, Cudak and Kirkoshi does not describe, teach or suggest "associating at least one identifier with said legacy media peripheral, wherein said at least one identifier is used to validate said legacy media peripheral for use at said first geographic location.

Examiner respectfully disagrees with the applicant and still maintains that:

The combination of teaching between Haines, Cudak and Kirkoshi does teach the claimed subject matter that has been addressed in previous action and repeated herein again. The new proposed amendment does not change the meaning or merely change the scope of the limitations.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of teaching between Haines, Cudak and Kirkoshi is efficient and proper.

Haines, Cudak and Kirkoshdo not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably

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distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

The fact that Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

For the above reasons, it is believed that the rejections should be sustained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al (US 2003/0072027 A1), in view of Cudak et al (US 6,058,106), and further in view of Kirikoshi et al (US 6,839,848 B1).

a. Referring to claim 1:

i. Haines teaches a method for secure access and communication of information in a distributed media network, the method comprising:

(1) detecting, at the first geographic location, when a legacy media peripheral is connected to one or both of a PC and a media processing system at said first geographic location within the distributed media network (**see Figure 1 and page 2, paragraph 0019 of Haines**);

(2) associating at least one identifier with said legacy media peripheral (**page 1, paragraph 0009 of Haines**), wherein said at least one identifier is used to validate said legacy media peripheral for use at said first geographic location (**page 5, paragraph 0085-0086 of Haines**); and

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(3) utilizing said at least one identifier to facilitate communication by and/or to said legacy media peripheral over the distributed media network **(page 1, paragraph 0008 of Haines)**.

ii. Although Haines teaches a method for secure access and communication of information in a distributed media network, Haines is silent on the capability of showing the legacy media peripheral. On the other hand, Cudak teaches this limitation in column 13, line 14 of Cudak.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have been modified the invention of Haines with the teaching of Cudak to centrally coordinated peer-to-peer wireless communication system **(column 1, lines 29-30 of Cudak)**.

iv. The ordinary skilled person would have been motivated to:

(1) have been modified the invention of Haines with the teaching of Cudak to provide a centrally coordinated peer-to-peer wireless communications network that minimized payload transmissions, greater efficiency would be achieved **(column 2, lines 21-24 of Cudak)**.

v. The combination of teaching between Haines and Cudak teaches the claimed subject matter, however, they are silent on the capability of showing the geographic location where the peripheral device is being used. On the other hand, Kirikoshi et al teaches this limitation in **Figure 4 and column 6, lines 55-67 of Kirikoshi**.

vi. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have been modified the modified-invention of Haines with the teaching of Kirikoshi to centrally coordinated peer-to-peer wireless communication system **(column 1, lines 29-30 of Cudak)**.

vii. The ordinary skilled person would have been motivated to:

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(1) have been modified the modified-invention of Haines with the teaching of Kirikoshi to improve the security code which is built-in to the custom IC which is required for the basic operation of the peripheral device **(column 2, lines 2-4 of Kirikoshi)**.

b. Referring to claim 2:

i. Haines further teaches:

(1) further comprising requesting said at least one legacy media peripheral identifier and at least one identifier of a user utilizing said legacy media peripheral **(page 2, paragraph 0009 and paragraph 0025 of Haines)**.

c. Referring to claim 3:

i. Haines further teaches:

(1) wherein said at least one legacy media peripheral identifier is a serial number of said legacy media peripheral **(page 3, paragraph 0040 of Haines)**.

d. Referring to claim 4:

i. Haines further teaches:

(1) wherein said at least one user identifier is at least one of a user password and a user name **(page 2, paragraph 0025 of Haines)**.

e. Referring to claim 5:

i. The combination of teaching between Haines, Cudak, and Kirikoshi teaches the claimed subject matter. Kirikoshi further teaches:

(1) further comprising determining a first geographic location of said legacy media peripheral and said user utilizing said legacy media peripheral **(page 3, paragraphs 0040-0043 of Haines; Figure 4 and column 6, lines 55-67 of Kirikoshi)**.

f. Referring to claim 6:

i. The combination of teaching between Haines, Cudak, and Kirikoshi teaches the claimed subject matter. Haines and Kirikoshi further teaches:

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(1) further comprising associating said legacy media peripheral identifier and said user identifier with said first geographic location of said legacy media peripheral **(page 3, paragraphs 0040-0043 of Haines; Figure 4 and column 6, lines 55-67 of Kirikoshi).**

g. Referring to claim 7:

i. The combination of teaching between Haines, Cudak, and Kirikoshi teaches the claimed subject matter. Haines and Kirikoshi further teaches:

(1) wherein if said legacy media peripheral is previously registered at said first geographic location within said network, acquiring said at least one user identifier to facilitate communication of said legacy media peripheral over the distributed media network **(page 3, paragraphs 0040-0043 of Haines; Figure 4 and column 6, lines 55-67 of Kirikoshi).**

h. Referring to claim 8:

i. Haines further teaches:

(1) further comprising validating said acquired at least one user identifier for said legacy media peripheral prior to said facilitation of communication of said legacy media peripheral over the distributed media network **(page 4, paragraphs 0044-0045 of Haines).**

i. Referring to claim 9:

i. The combination of teaching between Haines, Cudak, and Kirikoshi teaches the claimed subject matter. Haines and Kirikoshi further teaches:

(1) further comprising registering said legacy media peripheral for operation at a second geographic location subsequent to said validation of said acquired at least one user identifier **(page 4, paragraph 0043 of Haines; Figure 4 and column 6, lines 55-67 of Kirikoshi).**

j. Referring to claim 10:

i. Haines further teaches:

(1) further comprising executing a media peripheral association software on said at least one of said PC and said media processing system **(page 4, paragraphs 0047-0049 of Haines).**

k. Referring to claim 11:

i. This claim consist a machine-readable storage having stored thereon, a computer program having at least one code section for secure access and communication of information in a distributed media network to implement claim 1, thus it is rejected with the same rationale applied against claim 1 above.

l. Referring to claims 12-20:

i. These claims have limitations that are similar to those of claims 2-10, thus they are rejected with the same rationale applied against claims 2-10 above.

m. Referring to claim 21:

i. This claim consist a system for secure access and communication of information in a distributed media network to implement claim 1, thus it is rejected with the same rationale applied against claim 1 above.

n. Referring to claims 22-30:

i. These claims have limitations that are similar to those of claims 2-10, thus they are rejected with the same rationale applied against claims 2-10 above.

o. Referring to claim 31:

i. Haines further teaches:

(1) wherein said at least one processor is at least one of a computer processor, a media peripheral processor, a media exchange system processor and a media processing system processor (**page 3, paragraph 0029 of Haines**).

Conclusion

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/

Primary Examiner, Art Unit 2435

TBT

December 07, 2008

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